

Summary of the Meeting of the Environmental Laboratory Advisory Board July 1, 1998

The Environmental Laboratory Advisory Board (ELAB) met on Wednesday, July 1, 1998 at 1:30 p.m. Central Daylight Time (CDT) during the Fourth NELAC Annual Meeting in San Antonio, TX. The meeting was led by its Co-Chair, Ms. Ramona Trovato and Acting Co-Chair, Mr. William Kavanagh based on the prepared agenda. A list of action items is given in Attachment A. A list of participants is given in Attachment B.

INTRODUCTION

Mr. William Kavanagh opened the meeting by introducing Ms. Betsy Dutrow, the Designated Federal Officer. Ms. Dutrow summarized meeting rules, reminding participants that this meeting is open to the public for comments and that the meeting is being recorded to assist with drafting of accurate minutes for posting to the NELAC web site. She also noted that she assisted with development of the agenda and is empowered to adjourn the meeting if necessary.

SPECIFIC ISSUES

ELAB Open Forum

Mr. Kavanagh enumerated issues that were raised in the ELAB Open Forum the previous evening; their disposition is also noted.

- Shipping of environmental samples, Department of Transportation (DOT) rules for hazardous materials, and EPA sample preservation protocols -
Mr. Jerry Parr will draft ELAB letters to EPA and DOT administrators requesting the agencies jointly resolve the issues
- ELAB position on Performance Based Measurement Systems (PBMS) -
Mr. Parr will chair a workgroup to review PBMS implementation issues with respect to NELAC and offer recommendations,
- Issues of small private, and public participation in NELAC -
Mr. Gary Kramer and Ms. Evelyn Torres will chair a workgroup to review these issues,
- ELAB position on designated proficiency testing sample (PT) providers -
further action unnecessary - it was noted that the NELAC Proficiency Testing Committee is in the process of addressing this and it is best handled in the Committee,
- Training and evaluation of assessors -
it was noted that the Accrediting Authority committee is addressing this (involvement with the Registrar Accreditation Board may be desirable), ELAB will recommend that NELAC review the AARB in the NELAC standard 1.7.3 to consider expansion of the standard to include state members from the accrediting authorities, a management systems review, and the timing of such reviews
- Timing of NELAP implementation (both accrediting authorities and laboratories) -
this issue was addressed satisfactorily by the NELAC Transition Committee earlier in the day,
- Accreditation/certification of individuals -
this was addressed previously and will not be pursued by ELAB further at this time,
- Upgrading the EPA "QA/G" (guidance) document series to requirement status -
issue referred to Ms. Nancy Wentworth, EPA/QA Division Director, for advice

PBMS

Ms. Trovato noted that implementation of PBMS by US EPA is a major change in the approach to laboratory analysis and presents issues for NELAC implementation. As noted above, Mr. Parr offered to chair a subcommittee to prepare implementation recommendations for ELAB to consider presenting to EPA in time for presentation at NELAC IV. Input would be welcomed from all stakeholders, including private, State, and federal organizations, including EPA. Issues to be addressed include integration of NELAC implementation, PBMS implementation, and EPA's recent streamlining initiative for drinking water analyses. It was moved, seconded, and approved unanimously that

EPA continue the Office of Water streamlining effort as an intermediate step to PBMS.

It was moved, seconded, and approved unanimously that

a PBMS subcommittee be formed to develop and offer recommendations during ELAB's meeting during NELAC IV for integrating the development of NELAC and PBMS,

Mr. Parr will chair this subcommittee; Mr. Al Verstuyft, Dr. Kathy Hillig, and Ms. Sandra Wroblewski offered to participate.

Oversight of NELAP Assessors

Mr. Kavanagh opened the floor for discussion of accrediting authority assessment in NELAP. Ms. Wentworth reviewed the current procedures for processing accrediting authority applications, including constitution of the assessment teams. She noted that an overarching concern to achieve consistency of assessment in all areas of review is the foundation of implementation decisions. It was noted that the Accrediting Authority Review Board (AARB) will be responsible to act as an appeal body in such matters. Additional discussion suggested an annual, independent, Management Systems Review (MSR) of NELAP operations; it was noted that such an MSR would necessarily be performed by an independent governmental entity. It was moved, seconded, and approved unanimously that

ELAB recommend that the NELAC Program Policy and Structure Committee review the structure of the AARB, consider expanding its charter to include an annual Management Systems Review of NELAP operations by an independent organization, include state members from the accrediting authorities, and address the timing of such reviews.

Sample Preservation and Transport Issue

Many environmental samples must be acid-preserved according to EPA regulation. Shipment of environmental samples must also comply with Department of Transportation (DOT regulations (49CFR Part 172). To allow shipment of acid-preserved samples as nonhazardous materials (footnote 3 to Table II of 40 CFR Part 136), an exemption was developed. The ability of companies to employ the exemption has been limited. The narrow pH ranges allowed for some acid-preserved samples not to be labeled as hazardous waste is sometimes impossible to meet. The example of preserving samples with hydrochloric acid to the allowed range of 1.96 to 2.00 was presented as evidence of the difficulty in using the exemption. Since shipping issues increase the complexity and cost of transporting environmental samples, it was agreed that ELAB would request EPA and DOT to resolve the shipping issues in all due haste. It was moved, seconded, and approved unanimously that:

ELAB send an appropriate letter to both EPA and DOT requesting prompt resolution to this impasse.

Mr. Parr and Dr. Verstuyft offered to draft this letter for the consideration of ELAB.

Proposed Inclusion of Field Measurements and Sampling

At the invitation of Mr. Kavanagh, Dr. Barton Simmons, Chair of the NELAC Field Measurements *ad hoc* committee, reviewed the progress of his committee in extending NELAC's quality concerns from fixed laboratory determinations to include both field measurements and sampling. This extension is in response to widespread concerns for environmental data quality, and not limited to laboratory measurement quality. It was noted that not only would this represent a major expansion of NELAC's purview, but it will impact

stakeholders not presently involved in NELAC deliberations (e.g., stationary source testing and engineering firms).

In response to questions, Dr. Simmons related that his committee is already preparing a white paper for the NELAC Board of Directors to address these issues and offered to share it with ELAB. He also noted that his committee is in the process of drafting language for changing the NELAC Standards for review at NELAC IV. Following discussion, it was agreed that the white paper would be the basis for discussion at an ELAB teleconference to be scheduled this Fall.

Adoption of Proposed Changes to the NELAC Standards

The good progress in refinement of the NELAC standards by the various committees was noted. In consideration of this, it was moved, seconded, and approved unanimously that:

ELAB recommend that the proposed changes to the NELAC standards be adopted in the voting session scheduled for July 2, 1998.

Third-Party Assessors Workgroup

Following discussion of the pivotal role that third-party assessors are likely to play in NELAC implementation, it was moved, seconded, and approved unanimously that:

a third-party assessor workgroup be formed to evaluate minimum credentials for third-party assessors, both individuals and organizations. The workgroup will also review NELAC Chapter 6 to determine if the criteria are sufficient for States to evaluate third party assessors and make recommendations for revisions if not.

Concern for proper balance in the workgroup's membership was expressed.

Assessor Checklists

The work by the NELAC On-site Assessment Committee in drafting laboratory assessor checklists was noted. Following discussion, it was moved, seconded, and approved unanimously that:

the ELAB Laboratory Assessment workgroup recommendations on checklists be forwarded to the NELAC On-site Assessment Committee for their consideration.

It was agreed that the work of the ELAB Laboratory Assessment workgroup was completed and that this workgroup was dissolved.

Conflict of Interest

The issue of conflict of interest, particularly with respect to accrediting authority laboratories conducting routine analyses, was discussed. This was of particular concern where a State laboratory has dual roles in 1) conducting analyses in competition with private laboratories, and 2) serving in the capacity of an accrediting authority for those private laboratories. Following this discussion, it was moved, seconded, and approved unanimously that:

ELAB recommend that the NELAC Accrediting Authority Committee further define and address conflict of interest between public and private sector laboratories.

Accreditation Process Advisory Appendix

The issue of describing the issue of due process was discussed. Following discussion, it was moved, seconded, and approved unanimously that:

ELAB recommend that the NELAC Accreditation Process committee develop an advisory appendix that addresses the rights, responsibilities, and obligations of laboratories and accrediting authorities.

Assessor Training Programs

It was noted that credibility of NELAP implementation critically depends on the credibility of the assessor training program. It was also noted that the Registrar Accreditation Board (RAB) has extensive experience and international recognition in developing and verifying the quality of assessor training programs.

Following discussion, there was a suggestion that the NELAC laboratory assessor training program be registered with RAB; it was agreed that, due potential cost implications, this be discussed in subsequent meetings of ELAB.

ACTION ITEMS
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Item No.	Action Item	Date To Be Completed
1.	Mr. Parr will convene the PBMS subcommittee	
2.	ELAB will recommend that the NELAC Program Policy and Structure committee review the AARB charter to include review of an annual MSR	
3.	Mr. Parr and Dr. Verstuyft will draft a letter to EPA and DOT regarding transport of acid-preserved environmental samples.	
4.	A meeting will be scheduled to discuss the issue of including Field Measurements and Sampling in the NELAC standards.	Fall 1998
5.	An ELAB representative will communicate to NELAC this Board's support for adopting all proposed changes to the NELAC standards.	July 2, 1998
6.	Mr. Kramer will convene the Small Labs subcommittee	
7.	The Laboratory Assessment workgroup recommendations on checklists will be forwarded to the NELAC On-site Assessment Committee	
8.	ELAB will recommend that the NELAC Accrediting Authority committee further define and address conflict of interest between public and private sector laboratories.	
9.	The ELAB recommendation that the NELAC Accreditation Process committee develop an advisory appendix that addresses the rights, responsibilities, and obligations of laboratories and accrediting authorities will be forwarded to that committee	
10.	The implications of registration of an assessor training program with RAB will be discussed in a later meeting.	Fall 1998

PARTICIPANTS
Environmental Laboratory Advisory Board Meeting
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